

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 06-CR-20415-2

EDWARD W. FISHER,

Defendant.

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**ORDER DENYING DEFENDANT FISHER'S EMERGENCY  
MOTION FOR DISCOVERY AND TO ADJOURN OF TRIAL**

Defendant Edward W. Fisher filed the above-captioned motion on June 6, 2008.

The matter having been fully briefed, the court concludes that a hearing is not necessary. See E.D. Mich. LCrR 12.1; E.D. Mich. LR 7.1(e)(2). The court has reviewed the relevant material *in camera* and it determines that none of the material is exculpatory or otherwise subject to disclosure under *Brady v. Maryland*, 373 U.S. 83 (1963) or *Giglio v. United States*, 405 U.S. 150 (1972).<sup>1</sup> Accordingly,

IT IS ORDERED that Defendant Fisher's Emergency Motion for Discovery and to Adjourn Trial [Dkt. # 55] is DENIED.

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<sup>1</sup>In *Brady*, the Supreme Court held that "suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution." 373 U.S. at 87. "When the 'reliability of a given witness may well be determinative of guilt or innocence,' nondisclosure of evidence affecting credibility falls within this general rule. *Giglio*, 405 U.S. at 154 (citation omitted).

IT IS FURTHER ORDERED that the Government shall compile a list of the material reviewed *in camera* and to file such list under seal no later than **June 30, 2008**.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: June 16, 2008

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, June 16, 2008, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522